

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JULIA CAMPBELL, as mother and natural
guardian of infant A.C.,

Plaintiff,

-against-

CITY OF NEW YORK; Police Officer RAMON
RODRIGUEZ, Shield No. 13884; Lieutenant
LOUIS BARBARELLI; Captain JULIO
DELGADO; and JOHN and JANE DOE 1
through 10, individually and in their official
capacities (the names John and Jane Doe being
fictitious, as the true names are presently unknown),

Defendants.

DECLARATION OF
GABRIEL P. HARVIS IN
SUPPORT OF INFANT
COMPROMISE
REGARDING CLAIMS OF
A.C.

15 CV 2088 (PAE)

-----X
GABRIEL P. HARVIS declares the following under penalty of perjury
pursuant to 28 U.S.C. §1746:

1. I am the attorney for the infant plaintiff A.C. I submit this
Declaration in support of plaintiff's application for an order, pursuant to Local Civil
Rule 83.2, granting plaintiff leave to settle her claims in this matter for \$50,000.00.

PLAINTIFF'S ALLEGATIONS

2. This is a civil rights action in which plaintiff seeks relief for the
violation of A.C.'s rights secured by 42 U.S.C. § 1983 and the Fourth, Fifth, Sixth
and Fourteenth Amendments to the United States Constitution. Plaintiff also brings

claims under the laws and constitution of the State of New York. The case arises from plaintiff's assault and arrest on December 21, 2013.

3. Officers rushed toward A.C. and A.C., scared, ran from them. A.C. was tackled to the ground, beaten, arrested on alleged reckless endangerment charges and taken to a precinct before being released to his parents. A.C. sustained injuries to his face and teeth and was required to retain private counsel and appear in family court, where the charges were ultimately discontinued.

THE SETTLEMENT

4. The parties attended a lengthy mediation session pursuant to Local Rule 83.10 on October 1, 2015. Following arms'-length negotiations, the infant plaintiff and his parents, Julia Campbell and Kenneth Carmona, agreed to settle A.C.'s claims for \$50,000.00.

5. The net amount due A.C. after expenses and attorney's fees is as follows:

Settlement amount:	\$50,000.00
Less advanced costs of \$779.24: ¹	\$49,220.76
Less attorneys' fees of 1/3 (\$16,406.92):	\$32,813.84
Less family court counsel lien (\$3,080.00): ²	\$29,733.84

¹ An itemized statement of A.C.'s costs is annexed as Exhibit 1.

² A letter from A.C.'s family court attorney to the undersigned evidencing the lien is annexed as Exhibit 2.

COUNSEL'S REASONS FOR RECOMMENDING SETTLEMENT

6. The reasons why I have recommended that plaintiff accept \$50,000.00 in full satisfaction of A.C.'s claims are as follows:

7. Plaintiff's physical injuries, though not inconsequential, are not ongoing or life-altering. A.C. was not subjected to an extended deprivation of his liberty.

8. The defendants stridently dispute A.C.'s account and have viable alternate theories to explain A.C.'s injuries. Even if A.C. were to obtain a judgment as to liability on his claims, it is not certain that a damages award would meaningfully exceed A.C.'s share of the settlement proceeds.

9. The settlement ensures that plaintiff will receive compensation and not have to deal with the uncertainties and expenses of protracted litigation, which would have included increased costs to conduct depositions of the officers, and allows A.C. to avoid a deposition himself, which, given his age, could be an ordeal.

10. I have been practicing civil rights law since 2006 and, in my professional opinion, the settlement is fair and reasonable in light of the facts of the case and the A.C.'s damages.

MISCELLANEOUS

11. I have neither become concerned in the settlement at the insistence of a party or person opposing, or with interests adverse to, the infant plaintiff, nor have I received nor will I receive any compensation from such party.

12. I do not represent any other actual or potential parties to this litigation.

13. My firm did a substantial amount of work in this case. We met plaintiff with and investigated A.C.'s allegations, facilitated A.C.'s pre-litigation § 50-h examination, drafted and filed the complaint, conducted document discovery and exchanged disclosures with defendants, engaged in legal research, engaged in settlement discussions, drafted a pre-mediation statement and attended mediation.

October 29, 2015
New York, New York

HARVIS & FETT LLP



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Attorneys for plaintiff

AFFIRMATION

UNITED STATES DISTRICT COURT)
)
SOUTHERN DISTRICT OF NEW YORK) ss:

GABRIEL P. HARVIS, under penalty of perjury, swears the following to be true:

1. My office is located at 305 Broadway, 14th Floor, New York, NY 10007.
2. I am the attorney of record for Julia Campbell in the case of *Cambell v. City of New York, et al.*, 15 CV 2088 (PAE).
3. I prepared the motion papers related to plaintiff's Infant Compromise Motion.
4. The statements contained within said Infant Compromise Motion are true to my knowledge, and as to those claims for which I have no personal knowledge, they are true upon information and belief.

October 29, 2015
New York, New York

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Attorneys for plaintiff